IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Applicant: Stensmo   )   Art Unit: 2655
)
Serial No.: 09/851,675   )   Examiner: Albertalli
)
Filed: May 9, 2001   )   ARC920000150US1
)
For: **SYSTEM AND METHOD FOR CONTEXT-**)   February 10, 2005
      DEPENDENT PROBABILISTIC MODELING OF)   750 B STREET, Suite 3120
      WORDS AND DOCUMENTS   )   San Diego, CA 92101
)

RESPONSE TO OFFICE ACTION

Commissioner of Patents and Trademarks
Washington, DC 20231

Dear Sir:

This responds to the Office Action dated February 3, 2005, allowing or indicating the allowability

of all claims except for 1, 13, and 17 and rejecting these claims both for allegedly failing to comply with the

written description requirement of 35 U.S.C. §112, first paragraph and for being anticipated by Brewster et

al., USPN 6,070,133.

Considering first the written description rejection, it is alleged that by amending the claims to allow

a window around at least some words in the document, instead of requiring that a window be generated

around each and every word of the document, new matter has been added. The rejection fails because of the

following deficiencies.:

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1.   The rejection admits that a section of the application does not require a window around each word,

contradicting itself.

2.   The rejection makes a material misstatement, namely, that "there is absolutely no language in the

specification to suggest that it was contemplated to create context vectors around at least some words in a

document" when in fact the following passage appears starting on page 17:

> "While the particular SYSTEM AND METHOD FOR CONTEXT-DEPENDENT
> PROBABILISTIC MODELING OF WORDS AND DOCUMENTS as herein shown and
> described in detail is fully capable of attaining the above-described objects of the invention,
> *it is to be understood that it is the presently preferred embodiment* of the present invention
> and is thus representative of the subject matter which is broadly contemplated by the present
> invention, *that the scope of the present invention fully encompasses other embodiments..."*
> (emphasis mine).

3.   The rejection fails to recognize that generating a window around each word is a species of the genre

of generating windows around at least some words, and that disclosure of a species is sufficient to cover a

genre in predictable fields. Is it the examiner's position that the skilled artisan would really not believe that

the inventor, at the time the application was filed, possessed generating context windows around each one

of, e.g., 100,000 words in a document, but not generating windows around only 99,999, because the latter

case would have been unpredictable? That strains credulity. Or is it the examiner's position that the

specification makes "crystal clear" (as opposed to merely suggesting) that generating windows around all

100,000 words instead of around just 99,999 is "essential", thereby invoking Gentry Gallery, see MPEP

§2163? If so, where is this "crystal clear" teaching? It is respectfully suggested that the examiner consider

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these questions closely and consult with his SPE, because he will be forced to answer them before the Board

in the event that he persists in the rejection and precipitates an appeal.

Now considering the anticipation rejection, the error here is even easier to see. The rejection alleges

that in Brewster et al., "the evaluation for each window is not a function of the order of appearance of the

words". Attention is directed to Brewster et al., col. 2, line 64 to col. 3, line 10:

> "As practiced by the present invention, the digital signal *retains the order of the words
> within the document*...semantic structure is the order in which the topics are discussed in the
> document...the present method will amplify the signal and reduce the noise to allow the user
> to produce a visual representation *of the semantic structure* of the document" (emphasis
> mine).

That is, Brewster et al. explicitly teaches that the point of its invention is to allow the user to visualize

the semantic structure of a document, which, according to Brewster et al., depends on the order of words in

the document.

The fact that Applicant has focussed its comments distinguishing the present claims from the applied

references and countering certain rejections must not be construed as acquiescence in other portions of

rejections not specifically addressed. For example, Applicant takes issue with the allegation that P(termj) in

Brewster et al. is "inherently" (meaning "necessarily", MPEP §2112) a combination of the statistical

evaluation of each window when in fact P(termj) is simply the number of windows containing the jth term,

which need not depend at all on a statistical evaluation of a window much less the particular one recited in
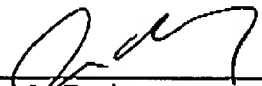
the present claims.

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     The Examiner is cordially invited to telephone the undersigned at (619) 338-8075 for any reason which would advance the instant application to allowance.

Respectfully submitted,

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